

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

BRIAN and VICKY BANEY, H/W, :
:
Plaintiffs : CIVIL ACTION NO. 4:14-CV-2393
:
v. : (JUDGE MANNION)
:
JAMES R. FICK, M.D., *et al.*, :
Defendants :

ORDER

Based on the court's memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1) The defendants' motions to dismiss with prejudice plaintiffs' federal claim under EMTALA, (Doc. [62](#)) (Doc. [64](#)) (Doc. [67](#)) (Doc. [75](#)), are **GRANTED**;
- (2) The court declines to exercise supplemental jurisdiction over plaintiffs' remaining state law claims, therefore the plaintiffs may re-file these counts in the appropriate state court.
- (3) The plaintiffs' motion to amend their complaint, (Doc. [74](#)), is dismissed, as moot, without prejudice; and
- (4) The clerk of court is directed to close this case.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: FEBRUARY 23, 2015